

Meeting Notice

Date Notice Posted: August 15, 2008

City of East Providence

City Council Meeting

Date of Meeting: Tuesday, August 19, 2008

Time of Meeting: 7:30 p.m.

Location of Meeting:

City Hall, Council Chambers

145 Taunton Avenue

East Providence, RI 02914

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

AUGUST 19, 2008

7:30 P.M.

I. CALL TO ORDER

II. INVOCATION

III. SALUTE TO THE FLAG

TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

IV. CONSENT CALENDAR

A. APPROVAL OF COUNCIL JOURNALS

July 15, 2008 – Regular Meeting

B. ALCOHOLIC BEVERAGE-CLASS F – AUGUST 24, 2008

Cape Verdean Museum Exhibit, 1003 Waterman Avenue (02914)

C. HOLIDAY SALES (Transfer)

FROM: Singh, Manpreet, d/b/a Payless Food Mart, 327 Warren Avenue (02914)

TO: Durand, Marie R., d/b/a Payless Food Mart, 327 Warren Avenue (02914)

D. VIC/NOT OVER 25 (Transfer)

FROM: Singh, Manpreet, d/b/a Payless Food Mart, 327 Warren

Avenue (02914)

**TO: Durand, Marie R., d/b/a Payless Food Mart, 327 Warren Avenue
(02914)**

V. PROCLAMATIONS & PRESENTATIONS

East Providence Battle Monuments Foundation, Inc.

Friends of Pomham Rocks Lighthouse

Jonathan Plante

VI. APPOINTMENTS

HARBOR MANAGEMENT COMMISSION (by Councilman Silva)

Anthony Perry (reappointment term ending 08/19/10)

119 Lyon Avenue (02914)

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

CITY COUNCIL SITTING AS LICENSING COMMISSIONERS

VII. LICENSES REQUIRING PUBLIC HEARING

**1. B – FULL PRIVILEGE (TRANSFER) (Subject to approvals from
Chief of Police, Building Inspector, Health Inspector, State Division of
Taxation and Fire Marshall).**

FROM: CMC Restaurant, Inc., d/b/a Estrela Do Mar, 736 North

Broadway (02914)

**TO: Sao Miguel Eateries, Inc., d/b/a Estrela Do Mar, 736 North
Broadway (02914)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

**2. ADDITIONAL HOURS (Subject to approvals from Chief of Police,
Building Inspector and Fire Marshall).**

**Warren Avenue CVS, Inc., CVS Pharmacy #2347, 640 Warren Avenue
(02914)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

**3. SECOND/AUTOS & TRUCKS (Subject to approvals from Chief of
Police, Building Inspector, Zoning Officer, and Fire Marshall).**

**Barbosa, John E., d/b/a Aggressive Collision Center & Auto Sales, 5
Eastern Avenue (02914)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

4. ALCOHOLIC BEVERAGE CLASS A RETAIL (CORPORATE NAME CHANGE) (Subject to approval from State Division of Taxation).

FROM: Douglas Wine & Spirits - East Providence, Inc.

**TO: Liquor Depot East Providence, Inc., d/b/a Wine & Spirits Depot,
1235 Wampanoag Trail (02915)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

5. SECOND/MISC (Subject to approvals from Chief of Police, Building Inspector, Zoning Officer, and Fire Marshall).

**Global Business Management, Inc., d/b/a GBM Clothing Store #401,
332 Bullocks Point Avenue (02915)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

VIII. LICENSES NOT REQUIRING PUBLIC HEARING

1. HOLIDAY/SALES (Approvals from Chief of Police, Building Inspector and Fire Marshall)

**Global Business Management, Inc., d/b/a GBM Clothing Store #401,
332 Bullocks Point Avenue (02915)**

Motion_____By_____2nd_____

2. VICT/NOT OVER 50 (Subject to approvals from Chief of Police, Building Inspector, Health Inspector, and Fire Marshall)

**FROM: CMC Restaurant, Inc., d/b/a Estrela Do Mar, 736 North
Broadway (02914)**

**TO: Sao Miguel Eateries, Inc., d/b/a Estrela Do Mar, 736 North
Broadway (02914)**

Motion_____By_____2nd_____

3. B-LIMITED SIX MONTH - REVIEW OF LICENSE – Granted February 19, 2008 for six months (Subject to approval of Division of Taxation)

**TLM Associates, Inc., d/b/a Figaro's Pizza, 430 Newport Avenue
(02916)**

Motion_____By_____2nd_____

LICENSING COMMISSIONERS RESUME SITTING AS CITY COUNCIL

IX. PUBLIC HEARING

HIGHWAY ABANDONMENT – “SPIRAL PATH”

Petition for highway abandonment on “Spiral Path” from Sunnyside Avenue (F/K/A Shore Drive) to terminus is cul-de-sac as shown on a recorded plat of land entitled “Boyden Heights East Providence, RI.

Petitioner: Anne B. Greene, 21 Sunnyside Avenue, Riverside, RI 02915

Attorney: Roger C. Ross, Blais Cunningham & Crowe Chester, 150 Main Street, Pawtucket, RI 02860

Advertised: East Providence Post – August 1, 8, & 15, 2008

Notice sent to Utility Company – July 28, 2008

Notices served abutters – August 1, 2008

Planning Board Recommendation

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

ORDINANCES – FINAL PASSAGE (Given First Passage July 15, 2008

Advertised – Prov. Journal – July 18, 2008.)

1. The following is an ordinance amendment regarding Handicapped parking on Williams Avenue in front of house number 15.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“VEHICLES AND TRAFFIC.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

**SECTION I. Article X entitled “Stopping, Standing and Parking.” of
Chapter 18 of the Revised Ordinances of the City of East Providence,
Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.”
Subsection 18-315 entitled “Reserved parking
designated–Handicapped parking.” is amended by adding thereto the
following:**

WILLIAMS AVENUE in front of house number 15

**SECTION II. This ordinance shall take effect upon its second passage
and all ordinances or parts of ordinances inconsistent herewith are
hereby repealed. (Requested by: Director of Public Works)**

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

2. The following is an ordinance pertaining to the stop sign for Windhurst Avenue (eastbound traffic) at Hawthorne Avenue.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“VEHICLES AND TRAFFIC”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

SECTION I. Sec. 18-269 entitled “Stop and yield intersections designated; when stops required.” is amended by adding thereto the following:

WINDHURST AVENUE (eastbound traffic) at Hawthorne Avenue

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Director of Public Works)

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

3. The following is an ordinance pertaining to defaced property.

**AN ORDINANCE IN AMENDMENT OF CHAPTER 9 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“MISCELLANEOUS OFFENSES.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

**SECTION I. Chapter 9 of the Revised Ordinances of the City of East
Providence, Rhode Island 1998, as amended, entitled “Miscellaneous
Offenses: is amended by adding thereto the following:**

Sec. 9-18. Defaced property.

**(a) Defaced property as used in this section shall include, but not be
limited to, the writing, painting, inscribing, drawing, scratching,
scribbling or any other marking upon any wall or surface owned,
operated or maintained by a person, business, corporation, entity,
etc.**

(b) It shall be unlawful for any responsible party, owner or operator to permit private property to be maintained in a defaced condition by allowing to remain on said property, painting, drawing, writing or marking by use of paint, spray paint, ink or by any other method of defacement.

(c) Failure to remove the defaced condition within ten (10) days of notice will result in the matter being referred to the East Providence Municipal Court by the Building Official or his designee and subject the responsible party, owner, or operator to a fine in the amount of \$100.00 for the first offense, \$250.00 for a second offense, and \$500.00 for each subsequent offense.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

(Requested by: City Manager)

Public Comments

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

IX. CONTINUED BUSINESS

X. NEW BUSINESS

A. CITY MANAGER’S REPORT

1. TOCKWOTTON TAX STABILIZATION AGREEMENT

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

**2. INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS (IBPO)
COLLECTIVE BARGAINING NEGOTIATIONS**

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

B. REPORTS OF OTHER CITY OFFICIALS

1. CLAIMS COMMITTEE (by William J. Conley, Jr. – City Solicitor)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

**2. TAX INCREMENT FINANCING (TIF) PROJECT PLAN (by Jeanne M.
Boyle – Director of Planning)**

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

3. PROPOSED DONATION OF LAND TO THE CITY OF EAST PROVIDENCE (by Jeanne M. Boyle – Director of Planning)

Applicant/Owner: John L. Marshall, III and Joanne Marshall, Marshall Properties LLC

**Street Address of Properties: 0 Amaral Street
Map 608, Block 2, Parcels 13 and 14**

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

4. MODIFY PREVIOUSLY AUTHORIZED EASEMENTS ON CITY OWNED PROPERTY BEING HUNTS MILLS (map 505, block 1, parcel 1) AND THE TURNER RESERVOIR DAM (map 604, block 1, parcel 45) AS PART OF THE TEN MILE RIVER FISH RESTORATION PROJECT. (by Jeanne M. Boyle, Planning Director)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

C. COUNCIL MEMBERS

1. RENAME CENTRAL AVENUE PARK TO ONNA MONIZ-JOHN

NEIGHBORHOOD PARK (by Mayor Ramos)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

2. CONSOLIDATION OF CITY LEGAL SERVICES (by Mayor Ramos)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

3. OUTDOOR CLOSED IN FIREPLACES (by Mayor Ramos)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

4. ENFORCE A FINE FOR YARD SALE SIGNS (by Councilman DiTraglia)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

5. INCENTIVE FOR SENIORS TAX BREAK (by Councilman DiTraglia)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

6. DISCUSSION OF MANAGEMENT LETTERS FOR AUDIT OF CITY FINANCES AND FOR WASTEWATER ENTERPRISE FUND, 10/31/07 (by Councilman Cusack)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

7. USE OF ROSE GARDEN SOCCER FIELD(by Councilman Cusack)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

D. RESOLUTIONS

1. RESOLUTION IN SUPPORT OF APPLICATION FOR ACQUISITION FUNDS FOR THE PURCHASE OF PROPERTY

WHEREAS, the City of East Providence, Rhode Island was incorporated as a Town in 1862 and as a City in 1958; and

WHEREAS, the City of East Providence is seeking support for the redevelopment of three contiguous parcels located on Bullocks Point Avenue and further referred to as Assessor’s Map 312, Block 12, Parcels 20, 21, and 22 (hereinafter referred to as the “Property”); and

WHEREAS, the City of East Providence, Rhode Island has entered into a Purchase and Sale Agreement for the Property; and

WHEREAS, the Community Development office has prepared an application for funding through the Rhode Island Housing Land Bank Program; and

WHEREAS, the City of East Providence believes that this application is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council for City of East Providence endorses and supports this application to the Rhode Island Housing Land Bank Program for acquisition funds for the Property.

This resolution shall become effective upon its passage. (Requested by: Community Development)

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

2. ABANDONMENT OF “SPIRAL PATH”

WHEREAS, the City Council of the City of East Providence deemed it necessary to abandon Spiral Path from Sunnyside Avenue (f/k/a

Shore Drive) to the cul-de-sac as shown on a recorded plat of land entitled "Boyden Heights, East Providence, RI" surveyed and drawn August 1910 by J.E. Judson, C.E., Recorded on Plat Card 134 and on Tax Assessor's Map 209 on Block 3 dated January 16, 2008 situated in East Providence, County of Providence, State of Rhode Island.

WHEREAS, said petition, having been duly advertised and all interested parties duly notified in accordance with law, and after public hearing held on August 19, 2008:

It is hereby ORDERED, ADJUDGED, and DECREED that Spiral Path from Sunnyside Avenue (f/k/a Shore Drive) to the cul-de-sac as shown on a recorded plat of land entitled "Boyden Heights, East Providence, RI" surveyed and drawn August 1910 by J.E. Judson, C.E., Recorded on Plat Card 134 and on Tax Assessor's Map 209 on Block 3 dated January 16, 2008 situated in East Providence, County of Providence, State of Rhode Island, described as follows:

That certain lot or parcel of land with all buildings and improvements thereon, located on the westerly line of Sunnyside Avenue in the City of East Providence, County of Providence, State of Rhode Island and bounded and described as follows: Beginning at a point on the westerly line of Sunnyside Avenue at the northeast corner of a parcel of land labeled Spiral Path as show on that plan entitled "BOYDEN HEIGHTS EAST PROVIDENCE R.I. SURVEYED AND DRAWN BY J.E. JUDSON, C.E. AUG. 1910" and recorded on plat card # 134 in the City of East Providence land evidence records. Said point also being southerly along the arc of a curve (140.01) feet from the southerly line of Boyden Blvd., said curve forming a chord angle with Boyden Blvd.

of $122^{\circ}39'58''$ and having a delta angle of $15^{\circ}29'08''$, a radius of (518.00) feet and a chord distance of (139.58) feet;

Thence running westerly (77.82) feet;

Thence running westerly, southerly and northerly along the arc of a curve to the left (110.19) feet, said curve forming a chord angle with the previous course of $41^{\circ}30'10''$ and having a delta angle of $315^{\circ}40'25''$, a radius of (20.00) feet and a chord distance of (15.09) feet;

Thence turning a chord angle to the right against the previous course of $138^{\circ}29'51''$ and running easterly (62.00) feet to the westerly line of Sunnyside Avenue;

Thence running northerly along the westerly line of Sunnyside Avenue and along the arc of a curve to the right (10.97) feet to the point and place of beginning, said curve forming a chord angle with the previous course of $114^{\circ}18'58''$ and having a delta angle of $1^{\circ}12'50''$, a radius of (518.00) feet and a chord distance of (10.97) feet. Said parcel contains (1,941) square feet of land more or less.

Said abandoned road parcel containing 1,941 square feet of land and is shown on a plan entitled, "East Providence, RI plan of land prepared for Anne Greene Class 1 survey of Map 202 Block 3, Lot 9 Sunnyside Avenue by Marsh Surveying Inc. 640 Geo. Wash. Hwy. Lincoln, RI (401) 334-0600 June 26, 2007" be and is hereby abandoned as a public highway by reason of the fact that Spiral Path from Sunnyside Avenue (f/k/a Shore Drive) to the cul-de-sac as shown on a recorded plat of land entitled "Boyden Heights, East Providence, RI"

surveyed and drawn August 1910 by J.E. Judson, C.E., Recorded on Plat Card 134 and on Tax Assessor’s Map 209 on Block 3 dated January 16, 2008 situated in East Providence, County of Providence, State of Rhode Island as hereinabove described has ceased to become useful to the public.

It is further ORDERED, ADJUDGED, and DECREED that after due appraisal, it is determined that there is no damage sustained by the abutting property owners by reason of said abandonment, and, therefore, no award of damages shall be made; and

It is further ORDERED, ADJUDGED, and DECREED that the Director of Public Works be directed to cause signs to be placed at each end of said abandoned highway as hereinabove described, having thereon the words “Not a Public Highway”; and

It is further ORDERED, ADJUDGED, and DECREED that after entry of this decree the City Clerk shall cause notice thereof to be posted in a newspaper published in Providence County, and that further and personal notice be served by the City Sergeant upon every owner of land abutting upon said Spiral Path as hereinabove described who is known to reside within this state.

Motion_____By_____2nd_____
Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

3. RESOLUTION

WHEREAS, the Department of Transportation’s relocation of Route I-95 necessitates the removal of high voltage power lines; and

WHEREAS, Narragansett Electric proposes to reconstruct 6,200 feet of the transmission line (labeled the E-183 transmission line) running from Franklin Square in Providence to Bold Point in East Providence; and

WHEREAS, the proposed replacement transmission facilities will be present along the waterfronts of Providence and East Providence for the next century; and

WHEREAS, the City of East Providence considers the waterfront along Bold Point a significant resource in terms of future economic development activity for the City; and

WHEREAS, the City's waterfront has the potential to provide 300 acres of land for future development, 3,000 to 4,000 jobs to the state's economy, and create \$2 billion dollars in new construction through private investment; and

WHEREAS, the presence of high voltage power lines on the East Providence waterfront could impede the City's redevelopment and could hinder the City's ability to attract public and private investment; and

WHEREAS, the City of East Providence has already secured federal and state funding for \$30 million dollars in highway funds in order to increase accessibility to the waterfront from Route I-195; and

WHEREAS, the potential impact on the environment, economic development, existing and future parks and public spaces along the waterfronts of Providence and East Providence could be substantial; and

WHEREAS, the total cost of the moving and burial of the E-183

transmission line is expected to be in excess of \$12 million dollars;
and

WHEREAS, R.I.G.L. § 42-98-1.1(d) authorizes the Narragansett Electric Company to proceed with the construction of the underground alignment of the E-183 line subject to the passage of resolutions by both city councils of the cities of Providence and East Providence agreeing that any incremental costs above existing funding may be included in electric rates of electric customers in those cities; and

WHEREAS, to the extent the actual costs for the underground alignment exceed the funding obtained for the project from the state and from federal and other sources, the Narragansett Electric Company is authorized to include the incremental costs above those funding levels in its distribution rate base and reflect the revenue requirement in rates to the electric distribution customers within the cities of Providence and East Providence.

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of East Providence hereby resolves that it agrees that any incremental costs above existing funding for the construction of the underground alignment of the E-183 line may be included in electric rates of electric customers in the cities of Providence and East Providence.

(Requested by: Law Department and Planning Department)

Motion_____By_____2nd_____

Cusack_____DiTraglia_____Perry_____Silva_____Ramos_____

E. INTRODUCTION OF ORDINANCES (If given First Passage, can be referred to the next regular Council Meeting to be held on September 2, 2008 for a public hearing and consideration of final passage).

1. The following is an ordinance pertaining to the stop sign for Fairview Avenue (northbound traffic) at Bloomfield Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "VEHICLES AND TRAFFIC"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 18-269 entitled "Stop and yield intersections designated; when stops required." is amended by adding thereto the following:

FAIR VIEW AVENUE (northbound traffic) at Bloomfield Street

SECTION H. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Requested by: Director of Public Works)

Motion_____By_____2nd_____

F. COMMUNICATIONS

1. Thomas C. Riley, 3620 Pawtucket Avenue (02915) requesting to address the Council regarding Canvassing Office/Board.

- 2. Helena & Gerald Read, 65 Kingsford Avenue (02915) requesting to address the Council regarding public access, including speeding and dangerous driving around and on our property.
- 3. Robert Enos, 11 Milburn Road (02915) requesting to address the Council regarding tangible tax and consolidation plan.

XI. ADJOURNMENT

Motion_____By_____2nd_____